<u>REMARKS</u>

<u>Status Summary</u>

In this Amendment, no claims have been added, and claim 38 has been canceled. Therefore, claims 1, 3-7, 15-37, 39-45, and 50 remain pending. Claim 38 is canceled as being dependent upon claim 10, which was previously canceled.

<u>Claim Rejections 35 U.S.C. § 103</u>

Claims 1, 4, 6, 7, 14, 20, 23, 24, 26, 27, 29-33, 37, 39, 42 and 44 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,449,474 to <u>Mukherjee et al.</u> (hereinafter, "<u>Mukherjee</u>") in view of U.S. Patent No. 6,654,452 to Murray et al. (hereinafter, "<u>Murray</u>"). This rejection is respectfully traversed.

On page 2, sixth paragraph, the Official Action indicates that claims 1, 4, 6, 7, 14, 20, 23, 24, 26, 27, 29-33, 37, 39, 42, and 44 are rejected based on <u>Mukherjee</u> and <u>Murray</u>. However, the Official Action does not indicate how <u>Murray</u> applies to any of the claims. Applicants left voice messages with Examiner Borissov on May 1, 2007 and May 8, 2007 requesting clarification. On May 10, 2007, Applicants received a voice mail message from Examiner Borissov indicating that the rejection based on <u>Murray</u> is in error. Accordingly, the remarks below address the rejection of the claims based on <u>Mukherjee</u>.

<u>Independent Claims 1, 26, and 50</u>

Independent claims 1, 26, and 50 recite methods and a system for automatically registering complaints against communication initiators when the communication is from

a party with whom the intended recipient does not desire to communicate. In claim 1, the method includes receiving a signaling message from a communication initiator relating to a communication from the communication initiator. A calling party identifier is extracted from the signaling message to determine whether the communication is from a communication initiator with whom an intended recipient does not desire to communicate. In response to determining that the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate, a complaint registration message is automatically generated from a user communications terminal or an SSP using the calling party identifier extracted from the signaling message. The complaint registration message is transmitted over a data network. Claim 1 further recites that the determination of whether the communication is from a communication initiator with whom the intended recipient does not desire to communicate is made based on a trigger initiated by the communication recipient. As described in Applicants' specification, the trigger can be the dialing of predetermined digits via the user's handset.

Independent claim 26 recites a system where a communications terminal determines whether a communication is from a communication's initiator with whom an intended communication recipient does not desire to communicate, and, in response, generates and forwards a complaint registration message over a data network. A complaint registration server receives and processes the complaint registration message.

Independent claim 50 recites a method for automatically registering complaints against communication initiators. The method includes receiving the signaling message,

extracting a calling party identifier from the signaling message, and determining whether the communication is from a communication initiator with whom an intended communication recipient does not desire to communicate. In response to determining that the communication is from a communication initiator with whom the intended communication recipient does not desire to communicate, a complaint registration message is automatically generated from a communications terminal or an SSP. The complaint registration message is sent over a data network. Claim 50 further recites that a blocking table is used to determine whether the communication is from a communication initiator with whom the intended recipient does not desire to communicate.

Thus, claims 1, 26, and 50 each recite identifying, from a signaling message, whether a communication is from a communications initiator with whom an intended recipient does not desire to communicate. Independent claim 1 further recites that the determination is made based on a trigger set by the intended recipient. In independent claim 26, the communication terminal makes the determination as to whether the communication is unwanted by the communication recipient and generates and sends the complaint registration message. In independent claim 50, the communication terminal or an SSP makes a determination as to whether the communication is unwanted by the communication recipient and generates and sends the complaint registration message.

Mukherjee fails to disclose or render obvious a method or a system where it is determined whether a communication is from a communication initiator with whom an intended recipient does not desire to communicate. Mukherjee is directed to a call

intercept system for law enforcement purposes when a subscriber uses multiple numbers. For example, Mukherjee states:

> As a result, tracking the subscriber becomes impossible. For originating calls using this service, a caller dials any number. If the mobile station is only identified by its LNP number, then tracking or call interceptive calls or the originator becomes difficult. As a result, a malicious mobile subscriber may elude monitoring agencies. Given this situation, a subscriber has the capability to remain anonymous to a law enforcement agency if all that is known to the law agency is the LNP or some private number of the subscriber.
>
> Thus, it would be advantageous to have an improved method and apparatus for providing call interception for calls involving IN services. (Emphasis added.) (See column 1, line 62 through column 2, line 6 of Mukherjee.)

In the above-quoted passage, Mukherjee indicates that the invention described therein is directed to intercepting calls for law enforcement. Calls are monitored if they are of interest to law enforcement. There is no description of any analysis of a call to determine whether the call is unwanted from the perspective of the communication recipient. Presumably, calls being monitored by law enforcement are wanted from the perspective of the "malicious subscriber" or "suspect" who is being described as being monitored in Mukherjee.

On page 10, in the Response to Arguments section of the Official Action, the Examiner indicates as follows:

> In response to applicant's argument that Mukherlee [sic] fails to teach or suggest hardware for determining whether a communication is from a communication initiator with whom the intended recipient does not desire to communicate, it is noted that Mukherlee specifically teaches dealing with malicious callers, resulting in a connection made to a law enforcing agency. Under the "broadest reasonable interpretation" the examiner considers such calls made by said malicious callers as "unwanted" calls.

This reasoning is flawed because it fails to consider 1) the stated purpose of <u>Mukherjee</u> of call interception for law enforcement purposes or 2) Applicants' claim language which indicates that the determination made by the presently claimed invention is whether the communication is "from a communications initiator <u>with whom the intended communication recipient does not desire to communicate</u>." In other words, the determination recited in claims 1, 26, and 50 is whether the communication is unwanted <u>from the perspective of the intended recipient</u>. According to the above-quoted passage from columns 1 and 2 of <u>Mukherjee</u>, a malicious mobile subscriber may have "the capability to remain anonymous to a law enforcement agency". In this passage, it is implied that the "malicious subscriber" is someone who is of interest to a law enforcement agency, rather than someone who is making a call that is unwanted from the perspective of the communication recipient. In other locations, <u>Mukherjee</u> describes the target of the call intercept as "a suspect". (See column 5, line 61 of <u>Mukherjee</u>.) The term "suspect" implies a suspect in a criminal investigation, rather than someone whose call is unwanted from the perspective of a communication recipient. In other locations, <u>Mukherjee</u> describes the target of the call intercept as "the recipient of the call." (See column 6, line 35 of <u>Mukherjee</u>.) The recipient of the call cannot possibly be someone with whom an intended recipient does not desire to communicate because it would require that the recipient make a determination as to whether the call is from himself.

Accordingly, it is respectfully submitted that because <u>Mukherjee</u> is directed to intercepting calls for law enforcement purposes, <u>Mukherjee</u> cannot possibly render obvious the step of determining whether a communication is from a communication initiator with whom the intended recipient does not desire to communicate, as recited in

independent claims 1, 26, and 50. Thus, for this reason alone, the rejection of claims 1, 26, and 50 and their dependent claims should be withdrawn.

Moreover, each of these claims recite automatically generating a complaint registration message and transmitting the complaint registration over a data network. On page 10, the Office Action indicates that column 6, lines 14-26 of <u>Mukherjee</u> disclose this feature. Applicants respectfully disagree. Column 6, lines 14-26 of <u>Mukherjee</u> are as follows:

> Upon receipt of this number MSC **404** searches call intercept table **406** to identify the corresponding entry for the returned number to retrieve other call interception related information. Then the call may be monitored. In this example, the call intercept information also may include an identification of the law enforcement agency or agencies to receive call intercept information, a number for connecting to the law enforcement agency, and the type of data to be sent to the law enforcement agency. In this example, the call intercept includes sending data to law enforcement agency **410**. Communication with law enforcement agency **410** is achieved by establishing a communications link using a TCP/IP protocol.

The above-quoted passage from <u>Mukherjee</u> indicates that when a call is monitored, call interception information is sent from MSC **404** to law enforcement agency **410**. The call interception information is described in this passage as information identifying the law enforcement agency, a number for connecting to the law enforcement agency, and the type of data to be sent to the law enforcement agency. None of these types of data has anything to do with unwanted communication complaint registration. Accordingly, it is respectfully submitted that for this additional reason, the rejection of claims 1, 26, and 50 and their dependent claims as unpatentable over <u>Mukherjee</u> should be withdrawn.

Independent Claim 20

Independent claim 20 recites a method for automatically generating a complaint registration message in response to receiving a signaling message relating to a communication from a communication initiator with whom communication is not desired. The steps in claim 20 are performed at a user communications terminal associated with the communications recipient. A signaling message relating to a call from a communication initiator is received. It is determined, based on a calling party identifier in the signaling message, whether the communication initiator has previously been notified not to initiate communications with the communication recipient. In response to determining that the communication initiator has been previously notified not to initiate communications with the communication recipient, a complaint registration message is generated and transmitted over a data network. The determination as to whether a communication initiator has previously been notified not to initiate communications with the communication recipient is performed by a complaint registration application that includes at least one of hardware or software residing on the user communications terminal that performs a lookup in a call blocking table. A complaint message generator comprising at least one of hardware and software residing on the user communications terminal automatically generates the complaint registration message in response to determining that the communication initiator has previously been notified not to initiate communications with the communication recipient. Thus, independent claim 20 recites a method performed by hardware and/or software at a user communications terminal for identifying repeated unwanted callers and automatically generating and sending complaint registration messages relating to such callers.

As stated above with regard to independent claims 1, 26, and 50 <u>Mukherjee</u> is directed to intercepting calls for law enforcement purposes. There is absolutely no description anywhere in <u>Mukherjee</u> of identifying callers who have been notified not to initiate communications with a particular recipient. Thus, for this reason alone, the rejection of claim 20 and its dependent claims as unpatentable over <u>Mukherjee</u> should be withdrawn.

Moreover, independent claim 20 recites that the determination as to whether a call has been previously notified not to initiate communications with a communications recipient is performed <u>at the user communications terminal</u>. Even assuming for the sake of argument that <u>Mukherjee</u> discloses the step of determining whether a communication is from a communication initiator who has been notified not to initiate communication with a communication recipient, the call intercept intelligence in <u>Mukherjee</u> resides at MSC **404** and SCP **402**, neither of which is a user communication terminal. MSC **404** is a mobile switching center, which is a switch for mobile telecommunications network. Similarly, SCP **402** is a network database. There is no reasonable interpretation of <u>Mukherjee</u> where the intelligence for performing call monitoring could reside at the user communication terminal because the user communication terminal is under the control of the "malicious mobile subscriber" or "suspect". There is no description in <u>Mukherjee</u> of how a user device that is the control of such a person would be modified for call interception purposes. Accordingly, because <u>Mukherjee</u> fails to disclose any intelligence for identifying repeat unwanted callers that resides at the user communication terminal, for this additional reason, the rejection of claim 20 and its dependent claims as unpatentable over <u>Mukherjee</u> should be withdrawn.

<u>Claim 3</u>

Claim 3 is rejected under 35 U.S.C § 103(a) as unpatentable over <u>Mukherjee</u> in view of U.S. Patent No. 6,701,160 to <u>Pinder et al.</u> (hereinafter, "<u>Pinder</u>"). This rejection is respectfully traversed.

Claim 3 depends from claim 1. As stated above with regard to claim 1, <u>Mukherjee</u> fails to disclose or render obvious identifying communications that are unwanted from the perspective of intended communications recipients or automatically generating a complaint registration messages in response to identifying such communications. <u>Pinder</u> fails to disclose or render obvious the automatic generation of a complaint registration message in response to a determination that a call is unwanted. <u>Pinder</u> is directed to a call blocking application that blocks incoming calls to a mobile terminal based on call blocking lists stored by a mobile terminal. (See Abstract of <u>Pinder</u>.) There is no disclosure of automatically generating a complaint registration message or transmitting the complaint registration message over a data network. Thus, for this reason, the rejection of claim 3 as unpatentable over <u>Mukherjee</u> in view of <u>Pinder</u> should be withdrawn.

Moreover, even assuming for the sake argument that the combination of <u>Mukherjee</u> and <u>Pinder</u> discloses all of the elements of claim 3, it is respectfully submitted that it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the disclosure of <u>Mukherjee</u> with that of <u>Pinder</u> because the combination would make <u>Mukherjee</u> unsuitable for its intended purpose of monitoring calls for law enforcement. As stated above, <u>Mukherjee</u> is directed to monitoring, i.e., listening to the media stream, of calls for law enforcement purposes. <u>Pinder</u> is directed

to call blocking. A blocked call would be of no use for call monitoring since, there would be no media stream to monitor. Thus, the combination of Mukherjee and Pinder suggested in the Office Action would be inoperable. Therefore, a person of ordinary skill in the art would not be motivated to combine Mukherjee and Pinder. Accordingly, for this additional reason, it is respectfully submitted that the rejection of claim 3 as unpatentable over Mukherjee in view of Pinder should be withdrawn.

Claims 5, 28, 34-36, 43 and 45

Claims 5, 28, 34-36, 43 and 45 are rejected under 35 U.S.C § 103(a) as unpatenable over Mukherjee in view of U.S. Patent No. 5,644,629 to Chow (hereinafter "Chow"). This rejection is respectfully traversed.

Claims 5 and 43 depend from claim 1. As stated above with regard to the rejection of claim 1, Mukherjee fails to disclose or render obvious a method for determining whether a communication is from a communication initiator with whom an intended communication recipient does not desire to communicate or of automatically generating a complaint registration message based on the identification. Chow likewise lacks such teaching or suggestion. Chow teaches an apparatus for directing incoming telephone calls to a telephone or an automatic answering device, wherein caller identification numbers are received, compared to stored caller identification numbers, and arranged into priority groups for handling such calls (see Abstract of Chow). Thus, Chow teaches a device that routes incoming calls. However, Chow fails to disclose or render obvious automatically generating a complaint registration message and transmitting such as message over a data network. Accordingly, it is respectfully

submitted that the rejection of claims of 5 and 43 as unpatentable over <u>Mukherjee</u> in view of <u>Chow</u> should be withdrawn.

Claims 28 and 34-36 depend from claim 26. As stated above with regard to the rejection of claim 26, <u>Mukherjee</u> fails to disclose or render obvious a system where a communications terminal identifies whether a communication is from a communications initiator with whom an intended communication recipient does not desire to communicate or that generates and forwards a complaint registration message in response to the identification. <u>Chow</u> likewise fails to disclose or render obvious these features. As stated above, <u>Chow</u> is directed to a call routing application. There is no disclosure of any complaint registration message generation. Accordingly, it is respectfully submitted that the rejections of claims 28 and 34-36 as unpatentable over <u>Mukherjee</u> in view of <u>Chow</u> should be withdrawn.

Independent claim 45 recites a computer program product comprising computer executable instructions embodied in a computer readable medium for performing steps. The steps include receiving a signaling message associated with a communication from a communication initiator, extracting information for identifying the initiator from the message, and performing a lookup in a table to determine whether to allow the call communication to be completed. Thus, steps (a)-(c) of claim 45 recite determining whether or not to allow a communication based on a signaling message parameter and a table lookup. Claim 45 further recites that in response to failing to locate an entry in the table, the call is allowed to be completed. However, during the progress of the communication, it is determined whether a manual trigger has been initiated by a user communications terminal to which the communication is directed. The manual trigger

-23-

identifies the communication as unwanted from the perspective of a communication recipient. In response to the manual trigger, a complaint registration message is automatically generated and sent over a data network.

As stated above, Mukherjee and Chow fail to disclose or render obvious identifying a communication as unwanted from the perspective of a communication recipient or generating a complaint registration message. Mukherjee is directed to call interception for law enforcement purposes, and Chow is directed to routing calls to voice mail. Accordingly, it is respectfully submitted that the rejection of independent claim 45 as unpatentable over Mukherjee in view of Chow should be withdrawn.

Claims 15 and 16

Claims 15 and 16 are rejected under 35 U.S.C.§ 103(a) as unpatentable over Mukherjee in view of U.S. Patent No. 5,751,800 to Ardon (hereinafter "Ardon"). This rejection is respectfully traversed.

Claims 15 and 16 depend from claim 1. As stated above with regard to the rejection of claim 1, Mukherjee fails to disclose or render obvious identifying communications that are unwanted from the perspective of an intended communication recipient or of automatically generated a complaint registration message based on such identification. Ardon fails to bridge this substantial gap between Mukherjee and the Applicants' claimed invention because Ardon similarly fails to disclose or render obvious these features. Ardon discloses a method for blocking calls that requires callers to dial special type codes and screens the calls based on the dialed type codes. There is no disclosure of using a calling party identifier from a signaling message to determine

whether a communication is from a communications initiator with whom the intended recipient does not desire the communicate. In addition, <u>Ardon</u> fails to disclose or render obvious generating a complaint registration message. Accordingly, for these reasons, it is respectfully submitted that the rejection of claims 15 and 16 as unpatentable over <u>Mukherjee</u> in view of <u>Ardon</u> should be withdrawn.

Moreover, it would not have been obvious to a person or ordinary skill in the art at the time the invention was made to combine the disclosures of <u>Mukherjee</u> which relates to call monitoring, with that of <u>Ardon</u>, which relates to call screening, because a screened call cannot be monitored. <u>Mukherjee</u> is directed to call monitoring, i.e., listening to the media stream of a call. <u>Ardon</u> is directed to blocking such a stream. Accordingly, the combination of <u>Mukherjee</u> and <u>Ardon</u> is inoperable. Thus, for this additional reason, the rejection of claims 15 and 16 as unpatentable over <u>Mukherjee</u> in view of <u>Ardon</u> should be withdrawn.

Claims 19 and 25

Claims 19 and 25 are rejected under 35 U.S.C. § 103(a) as unpatentable over <u>Mukherjee</u> in view of U.S. Patent 6, 668,175 to <u>Almgren et al.</u> (hereinafter "<u>Almgren</u>"). This rejection is respectfully traversed.

Claim 19 depends from claim 1. As stated above with regard to the rejection of claim 1, <u>Mukherjee</u> fails to disclose or render obvious determining whether a communication is unwanted from the perspective of an intended communication recipient or automatically generating a complaint registration message based on such identification. <u>Almgren</u> likewise fails to disclose or render obvious these features.

Almgren is directed to providing telecommunication services over a radio access bearer channel. Examples of the services disclosed in Almgren include email, HTTP services, or other IP-based services. There is absolutely no teaching or suggestion of identifying whether a communication is from a communication initiator with whom an intended communication recipient does not desire to communicate or of automatically generating a complaint registration message based on such identification. Accordingly, it is respectfully submitted that the rejection of claim 19 as unpatentable over Mukherjee in view of Almgren should be withdrawn.

Claim 25 depends from claim 20. As stated above with regard to the rejection of claim 20, Mukherjee fails to disclose or render obvious determining whether a communication is from a communication initiator with whom an intended recipient does not desire to communicate or automatically generating a complaint registration message based on such a communication, where the steps are performed by the user communications terminal. Almgren likewise fails to disclose or render obvious these features. Almgren is directed to providing IP-based services over a radio access network. None of these services include services preformed at a user communications terminal for identifying calls that are unwanted from the perspective of a communications recipient or automatically generating a complaint registration message based on such identification. Accordingly, for these reasons, it is respectfully submitted that the rejection of claim 25 as unpatentable of Mukherjee in view of Almgren should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.
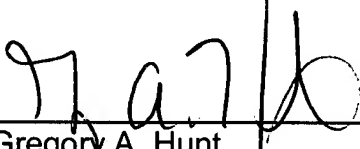
A check in the amount of $1,520.00 is enclosed. However, the Commissioner is hereby authorized to charge any deficiencies of payment or credit any overpayments associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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